

Salisbury Conservation Commission
Meeting Minutes
April 5, 2023
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
Hybrid Meeting
7:00 P.M.

COMMISSION MEMBERS PRESENT IN PERSON: Julie Doughman-Johnson (**JDJ**), Michael Colburn (**MC**), Mark Warcewicz (**MW**), Chairman Jeffrey Ward (**JW**), Christopher Leahy (**CL**), Michael Lucas (**ML**), Christine Maxim (**CM**)

COMMISSION MEMBERS PRESENT REMOTELY:

COMMISSION MEMBERS ABSENT:

ALSO PRESENT: Conservation Agent, Adriane Marchand (**AM**), Administrative Assistant, Alison Weaver (**AW**)

Chairman Jeffrey Ward (**JW**) opened the meeting at 7:10 PM under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting was being recorded and being held both remotely and in person.

A. REORGANIZATION:

1. **MC** states his nomination for Jeffrey Ward to chair.

JW accepts the nomination.

JDJ seconded.

Vote:7-0-0. Motion Carried.

2. **MC** states his nomination for Julie Doughman-Johnson as vice chair.

JDJ accepts the nomination.

CL seconded.

Vote:7-0-0. Motion Carried.

3. **MC** states his nomination for Christopher Leahy as clerk.

CL accepts the nomination.

JDJ seconded.

Vote:7-0-0. Motion Carried.

B. EMERGENCY CERTIFICATES:

1. 328 & 330 North End Blvd.

AM explains the project to clean up the sand enough for the resident to get in and out of her house safely.

JDJ motioned to ratify the emergency certificate for 328 & 330 North End Blvd.

MC seconded.

Vote:7-0-0. Motion Carried.

2. 140 North End Blvd.

AM explains that the storm season moved sand onto a portion of the property that they would like to move back onto the dune and away from his accessway. **MC** asks if it is moved with machinery, will he drive over dune grass? **AM** says he has an area to use that does not damage the dune.

MC motioned to ratify the emergency certificate for 140 north End Blvd.

CL seconded.

Vote:7-0-0. Motion Carried.

C. MINUTES:

1. May 18, 2022
2. June 1, 2022
3. June 15, 2022
4. July 6, 2022
5. July, 20, 2022
6. August 3, 2022
7. August 17, 2022
8. September 21, 2022
9. November 16, 2022
10. December 7, 2022
11. December 21, 2022
12. January 4, 2023
13. January 18, 2023
14. March 1, 2023

JDJ motioned to approve the minutes for December 21, 2022 and January 4, 2023.

MC seconded.

Vote:7-0-0. Motion Carried.

JW motioned to continue the minutes, May 18, 2022 through September 21, 2022, January 18, 2023 through March 15, 2023 to our next meeting April 19, 2023 at 7:10 PM.

MC seconded.

Vote:7-0-0. Motion Carried.

D. PUBLIC HEARINGS at 7:10pm:

1. NOI: Town of Salisbury, DPW, 228 Beach Rd Parking Lot (4/5/23)

Ray Cote (**RC**) is present and representing the project on behalf of the Department of Public Works. He explains that the old design does not work with the new layout of the comfort station. He would like to make a small change to the pavement so that the people in the rear of the parking lot have a safe walkway. **JW** asks about the size of the asphalt being removed and if it's the same foot print. **RC** explains that it is a pavement swap with more, than replaced. They are just making a safe walkway through the parking lot.

CL motioned a negative determination for the Town of Salisbury, DPW, 228 Beach Parking Lot (4/5/23).

MC seconded.

Vote:7-0-0. Motion Carried.

2. NOI: Steve Paquette, 6 Forest Road, LLC, 6, 10, & 18 Forest Rd. (1/19/22)

Tom Hughes (**TH**) of Hughes Environmental is present and representing the applicant. TJ Melvin (**TJ**) of Millennium Engineering is present and representing the applicant. He explains the site layout and how the storm water runs through the site. **TH** asks for it to be noted that the materials from the neighbors submitted prior to renotification and are entered into the record and that the commissioners have received the wildlife study done by Scott Smyer (**SM**) of Oxbow Associates, Inc. who is representing the wildlife habitat study portion of this project. **SM** speaks about how he went out to the site in May of 2022 and focused on the riverfront area and the most impacted area, food and fruit of shrubs, and wildlife dens. He found none in the area they are working. **SM** states the impact is fairly discreet. His recommendation is to talk about nesting cavities and beavers in the river, those are his most substantial findings. The impact is with the storm water. **TH** adds he is still making minor updates to the buffer zone. TJ Melvin is looking at the storm water part of the project and will give an update. It will be a closed drainage system with catch basins. He goes over the three sections of watershed. **TH** explains that some of the watershed that was a concern is actually solved by them bringing it further down the site. **JW** wants to confirm the documents. **TH** confirms that is correct. He expects to have the updated plans for the May 3 meeting. **JW** asks about the watershed map, in the blue, what is the flow being demonstrated? **TH** explains that it flows into the discharge area that is brought down past the lowest spot on the neighbor's property. Commissioners would like to have a site walk. An abutter Tim Neal, 26 Gerrish Road, is frustrated with beavers and loss of wetlands. They have photos of beavers making homes. We are starting to get to close to the water. **JDJ** shares her personal opinion that this project is too dense for the area and a lot of buildings are too close to the wetlands. Wildlife moves through this area all the time. Humans tend to sprawl out and would like to see steps taken to prevent the sprawl and a smaller project. Attorney Elizabeth Pyle (**EP**) from Hill Law is present and representing neighbors and abutters and shares the commissioner's concerns about the density of the project. Riverfront area with storm water locations within the 200-foot wetland area and the size are all driven by the density of this project. They could not shrink the size of the basin because of the size of the project. With less buildings they would have more basin area. The applicant needs to prove there is no alternative analysis. The purchase and sale agreement are for 40 units and bonus paid out for each additional unit after that. Patrick Garner (**PG**) of Patrick C Garner Co., Inc who is a senior wetland scientist speaks about his letter back in March and reiterates Elizabeth Pyle's comments and reads from his letter. **PG** states a project of this magnitude should have many pages of analysis and should explore in detail. These details need to be provided to give the conservation guidance. Steve Paquette (**SP**) the developer of the project talks about the initial size being 76 units and has listened to the concerns and has reduced the project by 25 percent. The reference to 40 units was done at a time when we had no idea of what the conditions would look like. Lynn Welch of 50 Lafayette Road speaks about the water table being so high in this area. 14 Forest Road has flooding after a good rain and suggests a site visit after a rain. **JW** asks about being provided a more detailed alternative's analysis that address the issues discussed tonight. **MC** adds that the alternative analysis gets pushed off to the side and wants to see that addressed for the next meeting. Jane Purington of 20 Toll Road asks about the amount of fill along with cutting the forested area and a lot grading, there will be a significant amount of grading brought in and how that will affect everything being discussed tonight. **TJ** will provide that. Steven Pivacheck of 14 Forest Road asks about the retention ponds, there are two with a highwater level, will two do the job? If there is no more land available and they need to put a third or fourth retention pond, there is no place to put it. Dan Welch of 50 Lafayette Road states that looking at the maps and where water will collect he is concerned with the large water area being captured and diverting it to pumps. What about the recourse areas in the back of the project. That is a wildlife habitat corridor and they migrate through the stream area. They will be unable to if the development is there. **JDJ** asks about the water table and retention ponds where everything freezes and what happens to the retention ponds when the ground is frozen? Elaina Flynn of 37 Dock Lane states based on her experience it forces the water into other areas of land. (**SP**) adds that the plan with the 56 units is the plan approved with the Zoning Board.

CL motioned to continue the NOI Steve Paquette, 6 Forest Road, LLC, 6, 10, & 18 Forest Rd. (1/19/22) to the April 19, 2023 meeting 7:10 PM with a more robust alternative analysis to be provided.

JDJ seconded.

Vote:7-0-0. Motion Carried.

3. NOI Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road. (10/5/22)

Tom Hughes (**TH**) of Hughes Environmental is present and representing the applicant. He explains the project and asks to confirm that all files from before the renotification be added to the record. **TH** needs to clarify well and septic and will get that information for the next hearing. TJ Melvin (**TJ**) from Millennium Engineering explains the storm water management for this project. **JW** would like to refresh the commissioners with a site visit. **MW** asks if the storm water is just coming out and going into a field with no pond to catch it? **TJ** correct there is no requirement and will discharge it. Michael Palowich of 10 Corporal Patten Way states his biggest concern is the wetland, this is marsh and the number of trees that would need to come out. Lot 1 is under the waterline with all stakes under water. Wildlife is grand back there and very similar to other projects. He is concerned about the water table and what will happen when it is built up in that space. **AM** is to request a combined site visit with the planning board.

CL motioned to continue the NOI: Nancy Reap, Old Silver Estuary on Little River LLC, 100 Forest Road (10/5/22) to the May 3, 2023 meeting 7:10 PM site visit after the next meeting.

MC seconded.

Vote:7-0-0. Motion Carried.

4. NOI: Christopher DeLuca, 108 Elm Street. (11/16/22)

MC motioned to continue the NOI: Christopher DeLuca, 108 Elm Street. (11/16/22) to the April 19, 2023 meeting 7:10 PM.

MC seconded.

Vote:7-0-0. Motion Carried.

5. NOI: Louis Minicucci, 76 Atlantic Ave. (3/15/23)

Ron Lafferty (**RL**) from Fulcrum, INC Architects is present and representing the applicant. **RL** speaks about the project being a three-unit build, crush stone being installed, a parking area below the building. He states that questions about the property down the street and this project was addressed in a letter, it was never abandoned. **JW** is concerned that the material they are putting down will not be as locked in place. **RL** agrees and says that is the plan, to add layers so we don't have to put a geo-tech fabric down in the sand. **JW** asks if the finished grade is going to be 19 once all of the work is done. **RL** says yes, from there it slopes down to 16. **CL** asks what are the footings for this project? **RL** has the stairs drawn and they allow the water to flow right through. **MW** remembers last time they talked, they were going to bring in sand. What sand will you bring in? **RL** answers that a sifted compatible sand that would be consistent with the Salisbury Beach sand that the agent **AM** has to approve.

CL motioned to approve the NOI: Louis Minicucci, 76 Atlantic Ave. (3/15/23) to the April 19, 2023 meeting 7:10 PM with standard order of coastal conditions.

JDJ seconded.

CL moved to amend the motion to include a planting bond.

JDJ seconded.

Vote:7-0-0. Motion Carried.

6. NOI: 18 NE BLVD LLC, 14, 16 & 18 North End Blvd (4/5/23)

Scott Cameron (**SC**) from Morin- Cameron Group Inc, LLC is present and representing the applicant. **SC** talks about the property being fully paved and degrading over the years. The applicant is proposing 11 town homes in two separate structures raised on steel piles. It is open so flood water can run through and allow movement of the

dune. **JW** is concerned that if there is a storm it's going to run into an impediment once it gets to the building. Ben Legere (**BL**) the applicant speaks and anticipates they will be able to lift that up the cross bracing. **JW** states that looking at the center curb, it is compacted gravel and would not be permitted. On your landscaping plan you are proposing mulch and it is not native to the beach. **SC** wants to clarify that they removed that from their initial submittal. **AM** suggests open piling with no enclosures but special condition that states 2 feet above or out of the flood zone. **MC** suggests a site walk.

JW motioned to continue the NOI: 18 NE BLVD LLC, 14, 16 & 18 North End Blvd (4/5/23) to the April 19, 2023 meeting 7:10 PM and in the interim a site visit.

MC seconded.

Vote:7-0-0. Motion Carried.

E. NEW BUSINESS:

1. Request for Extension, 201 Atlantic Avenue.

JW motioned to approve the request for extension for 201 Atlantic Ave.

CL seconded.

Vote:7-0-0. Motion Carried.

2. Enforcement Order: 95 Railroad Avenue.

AM states that on review of a building permit a boardwalk was present and is non-compliant.

MC motioned to ratify the enforcement order.

JW seconded.

Vote:7-0-0. Motion Carried.

3. Enforcement Order: 37 Dock Lane.

Elaina Flynn (**EF**) of 37 Dock Lane is present and representing herself. Sump pump pumping into a resource area in between her property and 35 Dock Lane. **EF** states she put pipes in to pump water onto her neighbor's property. **JW** sympathizes because he doesn't know where to put the water. **MW** asks about drainage on the road. **EF** answers there is no drainage and **AM** confirm's there is no catch basin. **MC** would like to see this resolved but it is a difficult one. **MC** gives the idea, if you pump out front and outside of the buffer zone. **AM** adds if you do that, then you would be out of the buffer zone.

JW motioned to ratify the enforcement order for 37 Dock Lane.

MC seconded.

Vote:7-0-0. Motion Carried.

4. Enforcement Order: 48 Commonwealth Avenue.

Laurie Reapa (**LR**) the resident at 48 Commonwealth Avenue is present and representing herself. She explains that she replaced a deck on the back of her house. She states she didn't know she was supposed to get a permit. She is looking for approval for what she has already done and was unaware of the laws. **JW** says they can't approve anything and that it is just an enforcement. **JW** asks about pavers the agent saw. **LR** says she was unaware and put concrete pavers down. **MC** adds that the commission doesn't approve concrete tubes on decks with helicon piles. **AM** there are instances where we have allowed them. **JW** recommends a site visit.

MC motioned to ratify the enforcement order for 48 Commonwealth Avenue and in the interim a site visit.

JW seconded.

Vote:7-0-0. Motion Carried.

D. OLD BUSINESS:

1. Request for Certificate of Compliance: 13 North End Blvd

Matt Steinel (**MS**) from Millennium Engineering is present and representing the applicant. The pump and paved strip have been removed. **JW** asks **AM** if when she went out and inspected. **AM** confirms it was satisfactory.

CL motioned to approve the Certificate of Compliance for 13 North End Blvd.

JDJ seconded.

Vote:7-0-0. Motion Carried.

E. ENFORCEMENT ORDERS:

HOLD, PENDING UPDATE:

1. 2A, 12th St. W.
2. 14 Old County Rd.
3. 100 Main St.
4. 14 10th St. W.
5. 36 Pike St.
6. 2 Baker Rd.
7. 565 North End Blvd.
8. 30 Main St.
9. 83 Atlantic Ave.
10. 211 N. End Blvd.
11. 16 Hayes St.
12. 11 Railroad Ave.

ACTIVE, PENDING COMPLETION:

13. 5 Patriot Way
14. Lafayette Rd. Sewer
15. 27 12th St. W.
16. **338 North End Blvd**

CL motioned to lift enforcement for 338 North End Blvd.

JDJ seconded.

Motion Carried.

COMPLETE, PENDING APPROVAL:

17. 29 Lafayette Rd.
18. 114 Bridge Rd.
19. 6 Sycamore Ln.
20. 16 Commonwealth Ave.
21. 139 Elm
22. 4 Main Street

F. COMMISSIONER COMMENTS

JW speaks on behalf of the Commission and thanks the previous Chairperson for her service. **MC** welcomes two new members.

G. ADJOURNMENT:

CL motioned to adjourn the April 5, 2023 Salisbury Conservation Commission Meeting at 11:20 PM

MC seconded.

Vote:7-0-0. Motion Carried.